

REMARKS

The Office Action mailed September 2, 2003 has been received and its contents carefully considered. Claims 1-28 remain pending in the present application. For at least the reasons set forth below, Applicants believes that all claims are in condition for allowance and earnestly solicit notice of allowance for all pending claims.

35 U.S.C. § 112, Second Paragraph Rejection

Claims 1-12 stand rejected under 35 U.S.C. 112, second paragraph based on lack of antecedent basis.

Independent claims 1 and 7 are hereby amended to obviate the antecedent basis objection. Accordingly, claims 1-22 are now in condition for allowance.

35 U.S.C. § 103(a) Rejections

Claims 1-28 are currently rejected under 35 U.S.C. 103(a) as being unpatentable over Kepecs U.S. Pat. No. 6,330,543 (Kepecs) in view of Walker et al. U.S. pat. No. 5,794,207 (Walker et al.). The Office Action alleges that each and every limitation of the claimed inventions are shown in the combined references. Based on at least the reasons set forth below, Applicant respectfully disagrees.

The Kepecs Reference

Kepecs purports to teach a method and system for distributing and redeeming electronic promotions to a consumer. Distribution and redeeming of promotions involves retail chains offering loyalty cards that reward shoppers for frequenting stores (column 4, lines 41-42) as well as the use of a discount administrator process (DAP) where

consumers communicate with the DAP via a server (DAPAS) over the internet (column 5, lines 19-21). In this manner, the server makes the consumer aware of discounted and promotional items (column 5, lines 26-28). The method of Kepecs involves redeeming discount offers to stores, such as supermarkets, by a customer using a loyalty card, or receiving targeted discounts tied to his or her microhistory of purchases. A DAP computer is connected to computers of the seller of the discounted goods, e.g., a retail store chain that typically employs electronic cash registers that record items sold, calculate sales totals, and print receipts.

Cash registers are typically connected to a Universal Product Code (UPC) scanner and/or an Automated Teller Machine (ATM) reader. The UPC scanner identifies bar codes on the products to the cash register. The ATM reader reads the magnetically encoded account number of a credit/debit/smart card that has been issued by some financial institution, such as a bank, or a store-issued loyalty card, belonging to a consumer. In the case of a smart card, a specific device may be employed to generate a credit on the smart card as a way of providing a discount. Some cards may also encode their identification number as a bar code which is read by the UPC scanner. The ATM reader also typically accepts typed-in, or otherwise entered, private information, such as a personal information number (PIN), to securely identify the card holder. The store loyalty cards, which are typically used to uniquely and anonymously identify their customers, are generally read by the UPC scanner or possibly a magnetic code reader such as the ATM reader.

The Walker Reference

Walker purports to teach a bilateral buyer-driven commerce system which improves the ability of buyers to reach sellers capable of satisfying the buyers' purchasing needs and improves sellers' ability to identify interested buyers. (columns 8, lines 36-40). Walker purports to enable prospective buyers of goods or services to communicate a binding purchase offer to potential sellers, where buyers give an offer to a good or service and await sellers to either accept their offer or refuse it, a good example is the Priceline.com system where a consumer may submit a purchase offer to an airline ticket to a particular destination to the server of Priceline.com which might viewed by the potential airlines in order to either accept the potential buyer's offer or refuse it.

The cited references, either alone or in combination, fail to teach each and every limitation of the claimed invention.

In particular, the references fail to disclose or suggest at least the following limitations from independent claims 1, 7, 13, 18, 23 and 26.

With respect to claim 1, the references fail to disclose at least the steps of: "determining at the central location if the user of the remote terminal is a registered user, and if the user is not registered transmitting a user profile inquiry to the remote terminal to be electronically completed by the user, the user transmitting the completed user profile to the central location where the user profile data is received and stored, thereafter the user being recognized as a registered user"; "presenting to and viewing by the registered user at the remote terminal information pertaining to goods or services associated with the one or more incentives and means for remotely selecting by the user a particular good or service, and presenting the user with information related to one or more incentives associated with the selected good or service"; "upon receiving

information from the remote user relating to parameters of a selected incentive, the central location generating at least one incentive data file, the incentive data file relating to the user selected incentive parameters and comprising a plurality of fields, including a redemption amount field, a user identification field, and an associated good or service identification field, the redemption amount field representing the value of the incentive offered to the user"; and "transmitting from the central location to the user at the remote terminal a prompt for payment of a user fee associated with disbursement of a redeemable certificate related to the incentive data file, receiving at the central location information from the user sufficient to effect payment of the user fee."

With respect to claim 7, the references fail to disclose at least the steps of: "determining at the central location if a user is a registered user, and if the user is not registered transmitting a user profile inquiry to the remote terminal to be electronically completed by the user, the user transmitting the completed user profile to the central location where the user profile data is received and stored, thereafter the user being recognized as a registered user"; "comparing at the central location predetermined incentive qualification criteria with user input data to determine which if any of the group of incentives relates to the user selected good or service and whether any such incentive should be made available to the user"; "upon determining that the user qualifies for one or more incentives, presenting the one or more qualified incentives available to the user via the remote terminal"; "receiving from the user a request for a qualified incentive"; and "transmitting to the user a prompt for payment of a user fee as a condition to receiving the selected incentive, and, upon receiving payment from the user, transmitting incentive information to enable the user to redeem the selected incentive."

With respect to claim 13, the references fail to disclose at least the limitations of: "the central location further comprising an incentive determination module adapted to compare incentive data and user input data to arrive at one or more incentives available to a remote user, the at least one processor being adapted to process the incentive determination module"; and "...the remote terminal transmitting to the central location incentive request information input by the user, the incentive determination module at the

central location comparing the incentive request information received from the remote terminal with a predetermined set of incentive parameters to determine issuance or non-issuance of an incentive offer to the remote user.”

With respect to claim 18, the references fail to disclose at least the limitations of: “the central location further comprising an *incentive determination module* adapted to *compare incentive data and user input data to arrive at one or more incentives available to a remote user*”; “a *graphical user interface...having an incentive creation module for receiving desired incentive parameters from the remote user*, the graphical user interface presenting the remote user with a number of *customizable and variable fields for creating a desired incentive*, the customizable and variable fields including one or more of the following: product type or model; incentive amount; product accessories or features required or refused by the user; and time period for delivery of product or service”; and “the remote terminal *transmitting to the central location incentive data input by the remote user, whereby a custom incentive is submitted for acceptance to the central location.*”

With respect to claim 23, the references fail to disclose “a method for presenting a remote user with incentives for goods or services *and receiving a financial commitment from the remote user* to purchase a good or service associated with the presented incentive in conjunction with acceptance of the incentive offer” and fail to disclose the steps of: “*presenting an incentive offer and an associated user fee* by the central location to the remote terminal”; “displaying the received incentive offer and user fee at the remote terminal, *the user inputting user fee payment data via the remote terminal* in exchange for receiving the offered incentive”; and “*transmitting the user fee payment data to the central location.*”

With respect to claim 26, the references fail to disclose “a method for receiving a *user-defined requested incentive* for purchasing a good or service from a remote user and *receiving a financial commitment from the remote user* to purchase the good or service associated with the requested incentive” and fail to disclose at least the steps of: “via the remote terminal presenting the user with a *graphical user interface to facilitate creation*

of a user-defined incentive and presenting the user with a user fee associated with submission of the user-defined incentive”; “after creating the user-defined incentive, transmitting the user-defined incentive from the remote terminal to the central location along with payment data to consummate payment of the user fee associated with submission of the user-defined incentive”; “accessing the user-defined incentive from the central location and determining acceptance or rejection of the requested incentive based at least in part on parameters associated with the user-defined incentive”; and “transmitting notification of acceptance or rejection of the user-defined incentive to the remote user and, if accepted, distributing the incentive associated with the incentive offer for redemption by the remote user upon purchase of the good or service associated with the incentive and incentive offer, and, if rejected, voiding the user fee payment submitted with the user-defined incentive.”

Accordingly, it is clear that the cited references, whether separate or considered together, fail to disclose each and every of the claimed limitations. Therefore, the claimed inventions are not obvious over the Kepecs and/or Walker references.

Moreover, to established a *prima facie* case of obviousness under 35 U.S.C. § 103(a), there must be some suggestion or motivation in the references or in the knowledge available to one of ordinary skill in the art to modify or combine the references cited. The examiner has failed to establish any motivation or suggestion in the references to combine the non-analogous Walker and Kepecs references.

Pending claims 2-6, 8-12, 14-17, 19-22, 24-25 and 27-28 are dependent upon one of independent claims 1, 7, 13, 18, 23 and 26. Thus, because claims 1, 7, 13, 18, 23 and 26 are nonobvious and patentable over the cited references as discussed above, claims 2-6, 8-12, 14-17, 19-22, 24-25 and 27-28 also should be allowable at least by virtue of their dependency on one of the independent claims. Moreover, these claims recite additional limitations that are not disclosed by the cited references, either alone or in combination.

For at least the above reasons, Applicants respectfully submit that all claims 1-28 are in condition for allowance and respectfully request the withdrawal of all pending rejections of these claims and timely issuance of a Notice of Allowability.

CONCLUSION

In view of the foregoing amendments and arguments, Applicants respectfully submit that this application is now in condition for allowance. If the Examiner believes that prosecution and allowance of the application will be expedited through an interview, whether personal or telephonic, the Examiner is invited to telephone the undersigned with any suggestions leading to the favorable disposition of the application.

Respectfully submitted,

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